

HellerEhrman_{LLP}

August 4, 2005

Via E-mail

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John B. Wyss, Esq.
Wiley Rein & Fielding LLP
1776 K Street NW
Washington, DC 20006

Re: *Inline Connection Corp. v. Verizon Internet Services, Inc. et al.*
Case No. 2:05CV205 HCM

Dear John:

We have received your letter of August 3, 2005 concerning materials in the Delaware case involving defendants AOL and Earthlink.

As I believe Joel discussed with you today, and as you have requested, we will send a letter to the Delaware defendants agreeing to allow them to send Inline confidential deposition transcripts and interrogatory responses to Verizon provided that they provide us with a list of what is being sent to you.

You also indicated the Delaware defendants intend to send you defendant-confidential information. We have no objection to that as long as (1) the Delaware defendants provide to us the bates number of such documents if the documents have already been produced in the Delaware case, or if the documents have not been produced, copies of such documents, and (2) the Delaware defendants have no objection to Inline's counsel in the Virginia case receiving these documents. As you know, neither this firm nor our local counsel has signed on to the Delaware protective order.

We must respond to your repeated insinuation that we have delayed providing materials from the Delaware case. This is simply not accurate. Originally, you requested that we provide materials from the Delaware case before the date the Court authorized for the beginning of discovery. We responded that we would be willing to agree to a *mutual*, early exchange of documents. We indicated the specific categories of "high priority" documents we would like to receive. You did not bother to respond to this request, and instead moved to stay discovery. Notwithstanding your lack of response to our proposal for a *mutual* exchange, you nonetheless have repeatedly alleged that we have refused voluntarily to

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produce the Delaware documents. You have continued to do so, notwithstanding that Verizon has yet to produce *any* documents responsive to Inline's properly served document requests, which has required us to move to compel production. In contrast, we have committed to producing documents responsive to Verizon's requests -- which include the Delaware materials -- in advance of the date required under the Federal Rules. Moreover, we intend to complete our document production by the end of the month. In light of this history, I suggest you refrain from further allegations of delay on Inline's part.

On a separate matter, if you would prefer that we produce documents in a particular database format, e.g., Summation, Concordance, etc., please let me know no later than 5:00 p.m. EDT tomorrow. Otherwise, we will send a suite of load files corresponding to various formats. Please produce Defendants' documents to us in DBText format.

Sincerely,



Michael K. Plimack

cc: Steve E. Noona, Esq.
C. Joel Van Over, Esq.
Robert W. McFarland, Esq.